UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

VERNON H. ANDREWS,

Plaintiff,

-against-

3:14-CV-0851 (LEK/DEP)

DENNIS ROWLAND, et al.,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on August 28, 2014, by the Honorable David E. Peebles, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 6 ("Report-Recommendation").

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Chylinski v. Bank of Am., N.A., 434 F. App'x 47, 48 (2d Cir. 2011); Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306-07 & n.2 (N.D.N.Y. 2008); see also Machicote v. Ercole, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) ("[E]ven a *pro se* party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.").

No objections were filed in the allotted time period. See Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error. Having found none, the Report-Recommendation is approved and adopted in its entirety.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 6) is APPROVED and ADOPTED in its entirety; and it is further

ORDERED, that Plaintiff's Application to proceed *in forma pauperis* (Dkt. No. 2) is **DENIED without prejudice**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with leave to amend. If Plaintiff wishes to proceed with these claims, he must file, within thirty (30) days of the filing date of this Order, an amended complaint that remedies the deficiencies identified in the Report-Recommendation; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on the parties to this action in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: October 16, 2014

Albany, New York

Lawrence E. Kahn

U.S. District Judge

¹Any amended complaint, which shall supersede and replace the original Complaint in its entirety, must allege claims of misconduct or wrongdoing against each named defendant which Plaintiff has a legal right to pursue, and over which this Court may properly exercise jurisdiction. Any amended complaint must also comply with the pleading requirements of Rules 8 and 10 of the Federal Rules of Civil Procedure.